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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP, INC., a Delaware
corporation,

Plaintiff and Counterclaim-
Defendant

vs.

NOVELL, INC., a Delaware corporation,

Defendant and Counterclaim-
Plaintiff.

**DECLARATION OF DAVID E.
MELAUGH IN SUPPORT OF
NOVELL'S OPPOSITION TO SCO'S
MOTION FOR RECONSIDERATION
OR CLARIFICATION OF THE
COURT'S AUGUST 10, 2007 ORDER**

*[REDACTED pursuant to the August 2,
2006 Stipulated Protective Order]*

Case No. 2:04CV00139

Judge Dale A. Kimball

I, David E. Melaugh, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and an associate at the law firm of Morrison & Foerster LLP, counsel of record for Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell") in this action. I was admitted to practice before this Court *pro hac vice* by this Court's Order of July 30, 2004. The statements made herein are based on my personal knowledge.

2. I submit this declaration in support of Novell's opposition to SCO's motion for reconsideration or clarification of the Court's August 10, 2007 Order.

3. As discussed below, some of the exhibits attached hereto include information that may be subject to the August 2, 2006 Stipulated Protective Order. Accordingly, the complete version of this declaration, which includes full and unredacted copies of all exhibits, is being filed under seal. A public version of this declaration, which deletes or redacts confidential documents and information, is also being submitted.

4. Attached as **Exhibit 1** is a true and correct copy of a letter from Bill Broderick to Cynthia Lamont, dated May 26, 1996, as produced by Novell in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

5. Attached as **Exhibit 2** is a true and correct copy of an Agreement between The Santa Cruz Operation and Argus Systems Group, Inc., dated December 28, 1999, as produced by Novell in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

6. Attached as **Exhibit 3** is a true and correct copy of an Agreement between The Santa Cruz Operation and Cyberguard Corporation, dated March 31, 1998, as produced by SCO in this

litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

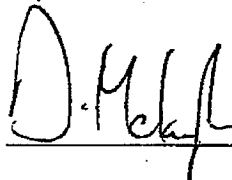
7. Attached as **Exhibit 4** is a true and correct copy of an Agreement between The Santa Cruz Operation and Dascom, dated March 30, 1998, as produced by SCO in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

8. Attached as **Exhibit 5** is a true and correct copy of excerpt pages from the transcript of Jean Acheson's deposition, taken in the SCO v. Novell litigation on March 20, 2007.

9. Attached as **Exhibit 6** is a true and correct copy of Asset Purchase Agreement Audit Compliance Report, dated March 2, 1999, as produced by SCO in this litigation. This exhibit is being filed under seal pursuant to the August 2, 2006 Stipulated Protective Order.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on this 10th day of September, 2007 in San Francisco, California.

A handwritten signature in dark ink, appearing to read 'D. Melaugh', is written over a horizontal line.

David E. Melaugh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2007, I caused a true and correct copy of the **DECLARATION OF DAVID E. MELAUGH IN SUPPORT OF NOVELL'S OPPOSITION TO SCO'S MOTION FOR RECONSIDERATION OR CLARIFICATION OF THE COURT'S AUGUST 10, 2007 ORDER** *[REDACTED pursuant to the August 2, 2006 Stipulated Protective Order]* to be served to the following:

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